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RECEIVED
AUG 21 2009
CHAMBERS OF
THEODORE H. KATZ
US MAGISTRATE JUDGE

BY HAND

August 20, 2009

Re: *Anwar et al. v. Fairfield Greenwich Limited, et al.* Docket No. 09 CV 0118 (VM); *Zohar et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 4031 (VM)

Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

Dear Judge Katz:

We are counsel to Fairfield Greenwich (Bermuda) Ltd. ("FGBL") and other defendants in the *Anwar* consolidated action. We write in response to the August 19, 2009 letter from counsel to plaintiffs Nadav Zohar and Ronit Zohar in *Zohar v. Fairfield Greenwich Group*, No. 09-cv-4031 (VM), an action which this Court consolidated for all pre-trial purposes into *Anwar* on June 3, 2009.

Anwar et al v. Fairfield Greenwich Limited et al Doc. 225

As *Zohar* counsel acknowledges in his August 19, 2009 letter, we repeatedly have agreed to accept service of the *Zohar* summons and complaint on FGBL's behalf. Plainly, there is no need for *Zohar* counsel to engage process servers in Bermuda and no basis to impose the costs of any such efforts on FGBL. Moreover, if the Court deems it necessary, FGBL will promptly execute a waiver of service of the *Zohar* summons and complaint. Under these circumstances, we respectfully suggest that the request for a pre-trial motion conference is moot with respect to service of the *Zohar* complaint on FGBL.

Respectfully submitted,

Mark G. Cunha

cc: The Honorable Victor Marrero (by hand)
All Counsel in *Anwar* (by email)

Execute the waiver. The motion will then be moot as to FGBL.

SO ORDERED

8/21/09

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE